

§ 23.11

manufacturer must submit to MSHA before the approval is granted, to show the details of the device as approved. These drawings are used to identify the device in the approval and as a means of checking the future commercial product of the manufacturer.

(b) *Actual equipment.* If MSHA so desires, parts of the devices that are used in the tests will be retained as records of the equipment submitted. If the device is approved, MSHA reserves the right to require the manufacturer to submit one, with the approval plate attached and without cost to MSHA, as a record of his commercial product.

§ 23.11 How approvals are granted.

All approvals are granted by official letter from MSHA. A device will be approved under this part only when the testing engineers have judged that it has met the requirements of the part and MSHA's records are complete, including drawings from the manufacturer that show the device as it is to be commercially made. Individual parts of devices will not be approved. No verbal reports of the investigation will be given and no informal approvals will be granted. As soon as the manufacturer has received the formal approval, he shall be free to advertise his device as permissible.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended by Supp. 1, 20 FR 2975, May 4, 1955]

§ 23.12 Wordings, purpose, and use of approval plate.

(a) *Approval plate.* (1) Manufacturers shall attach, stamp, or mold an approval plate on each permissible device. The plate shall bear the emblem of the Mine Safety and Health Administration and be inscribed as follows:

Permissible Telephone (or Permissible Signaling Device) Approval No. _____ Issued to the _____ Company.

(2) When deemed necessary, an appropriate caution statement shall be added. The size and position of the approval plate shall be satisfactory to MSHA.

(b) *Purpose.* The approval plate is a label that identifies the device so that anyone can tell at a glance whether or not it is of the permissible type. By the

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plate, the manufacturer can point out that his device complies with MSHA's requirements and that it has been approved for use in gassy or dusty mines.

(c) *Use.* Permission to place MSHA's approval plate on his device obligates the manufacturer to maintain the quality of his product and to see that each device is constructed according to the drawings that have been accepted by MSHA and are in MSHA's files. Devices exhibiting changes in design that have not been authorized are not permissible and must not bear MSHA's approval plate.

[Sched. 9B, 4 FR 1555, Apr. 11, 1939, as amended at 43 FR 12315, Mar. 24, 1978]

§ 23.13 Withdrawal of approval.

MSHA reserves the right to rescind for cause at any time any approval granted under this part.

§ 23.14 Instructions for handling future changes in design.

All approvals are granted with the understanding that the manufacturer will make his device according to the drawings that he has submitted to MSHA and that have been considered and included in the approval. Therefore, before making any changes in the design he shall obtain MSHA's authorization of the change. The procedure is as follows:

(a)(1) The manufacturer shall write to the Approval and Certification Center, Rural Route #1, Box 251, Industrial Park Road, Triadelphia, WV 26059, requesting an extension of the original approval and stating the change or changes desired. With this request, the manufacturer should submit a revised drawing or drawings showing the changes in detail, together with one of each of the parts affected.

(2) Where the applicant for approval has used an independent laboratory under part 6 of this chapter to perform, in whole or in part, the necessary testing and evaluation for approval of changes to an approved product under this part, the applicant must provide to MSHA as part of the approval application:

(i) Written evidence of the laboratory's independence and current recognition by a laboratory accrediting organization;